

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In re:)
) Bankruptcy Case
Eagle Properties and Investments LLC) No. 23-10566-KHK
) Chapter 7
Debtor.)

**CONSENT ORDER AUTHORIZING USE OF CASH COLLATERAL OF BALAJAIN,
LLC AND APPROVING ESTATE CARVE-OUT**

UPON CONSIDERATION of the Trustee’s motion pursuant to 11 U.S.C. §§ 105 and 363 authorizing the use of cash collateral of Balajain, LLC (“Lender”) and approving the Estate Carve-Out (“Motion”) (Doc. No. 396), and

IT APPEARING TO THE COURT that the relief requested in the Motion is in the best interests of the estate and creditors; and it further

APPEARING TO THE COURT that Lender¹ has consented to the use of its cash collateral for the purposes described in the Motion; it is hereby

ORDERED:

1. The Motion is GRANTED as set forth herein;
2. The Trustee is authorized to use the cash collateral of Lender to pay any expenses of the Property including utilities, insurance premiums, title reports, re-keying expenses and other reasonable, necessary and documented costs associated with the maintenance, upkeep, operation and repair of the Property to which the cash collateral relates;

¹ Capitalized terms not defined herein shall have the meanings ascribed to such terms in the Motion.

3. The Trustee is authorized to use the Debtor Funds to pay any utilities, insurance premiums, title reports, re-keying expenses or other reasonable, necessary and documented costs associated with the maintenance, upkeep, operation and repair of a Property without tracing such funds to a Property;
4. In the event there is an expense outside of the ordinary course of business with respect to any Property that exceeds \$500.00, such as making a one-time repair, then the Trustee shall obtain the consent of the Lender to payment of such expense;
5. Within fifteen days after the end of each month, beginning with April, 2024, and continuing through the date on which the Trustee ceases receiving rents, the Trustee shall deliver to the Lender a statement of receipts and disbursements for each Property;
6. The Trustee is authorized to advance up to Five Thousand Dollars (\$5,000.00) from unencumbered estate funds to the Asset Manager to pay expenses approved by the Trustee for the purpose of maintaining and preserving the Properties until such time as the Properties are sold. The Asset Manager shall hold the funds in his Trust Account and provide a monthly account reconciliation report to the Trustee. The Trustee may replenish this fund as needed. The estate shall be reimbursed for these expenses from the proceeds of the closing of the sale of the Property for which the expense was paid, upon the closing of the sale of such Property;
7. Upon the Trustee's sale of any of Property, the estate shall be entitled to a carve out from the proceeds of the Property for the following amounts: (i) funds sufficient to pay the Trustee's statutory commission on the gross sale price calculated pursuant to 11 U.S.C. § 326; and (ii) an additional five percent (5%) of the gross sale price for the benefit of the estate (the "Carve-Out");

8. The Carve-Out shall be deducted first from the proceeds of a Property payable to any subordinate lienholder(s);
9. Other than as expressly set forth in this Order, the rights of all parties are preserved, including, without limitation, (i) the Trustee's right to challenge the validity, extent, priority and amount of any liens on the Properties and to object to any secured or unsecured claims filed by Lender or any other party, and (ii) the right of any party to object to or otherwise challenge a motion(s) to sell any Property.

Dated: Apr 24 2024

/s/ Klinette H Kindred

Klinette H. Kindred
United States Bankruptcy Judge

Entered On Docket: Apr 25 2024

PREPARED BY:

NELSON MULLINS RILEY & SCARBOROUGH LLP
101 Constitution Avenue, NW, Suite 900
Washington, DC 20001
202.689.2800

By: /s/ Dylan G. Trache
Dylan G. Trache, Va. Bar No. 45939

Counsel to the Chapter 7 Trustee

SEEN AND AGREED:

ROGAN MILLER ZIMMERMAN, PLLC
50 Catoctin Circle, NE, Suite 300
Leesburg, Virginia 20176
Phone No. (703) 777-8850
Fax No: (703) 777-8854
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BY: /s/Christopher L. Rogan (by DGT with authority)
Christopher L. Rogan (Bar No. 30344)

Attorneys for Bala Jain, LLC

CERTIFICATION PURSUANT TO LOCAL RULE 9022-1: ENDORSEMENT

I HEREBY CERTIFY that all necessary parties have endorsed the above-referenced order.

/s/ Dylan G. Trache
Dylan G. Trache

LIST OF PARTIES TO RECEIVE NOTICE OF ENTRY
PURSUANT TO LOCAL RULE 9022-1

Dylan G. Trache
NELSON MULLINS RILEY & SCARBOROUGH LLP
101 Constitution Avenue, NW, Suite 900
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Michael Freeman
OFFICE OF THE UNITED STATES TRUSTEE
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Alexandria, Virginia 22314

Stephen Karbelk
Team Leader, RealMarkets
Century 21 New Millennium
Century 21 Commercial New Millennium

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McLean, VA 22101

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Brian K. Madden, P.C.
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N D Greene PC
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Jeffery T. Martin, Jr.
John E. Reid
Martin Law Group, P.C.
8065 Leesburg Pike, Ste 750
Vienna, VA 22182

Joshua David Stiff
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249 Central Park Avenue, Suite 300
Virginia Beach, VA 23462
Christopher L. Rogan
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50 Catoctin Circle, NE, Suite 300
Leesburg, VA 20176

In re:
Eagle Properties and Investments LLC
Debtor

Case No. 23-10566-KHK
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0422-9
Date Rcvd: Apr 25, 2024

User: LilianPal
Form ID: pdford9

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Total Noticed: 3

The following symbols are used throughout this certificate:

Symbol	Definition
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+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
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Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 27, 2024:

Recip ID	Recipient Name and Address
+ Nancy Greene, N D Greene PC, 3977 Chain Bridge Rd, Suite 1, Fairfax, VA 22030-3308	
RE + Stephen Karbelk, Team Leader, RealMarkets, Century 21 New Millennium, 6629 Old Dominion Dr, McLean, VA 22101-4516	

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
smg	+ Email/Text: ustpreion04.ax.ecf@usdoj.gov	Apr 26 2024 00:36:00	UST smg Alexandria, Office of the U. S. Trustee, 1725 Duke Street, Suite 650, Alexandria, VA 22314-3489

TOTAL: 1

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 27, 2024 Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 25, 2024 at the address(es) listed below:

Name	Email Address
Barry W. Spear	on behalf of Creditor Aero Mortgage Loan Trust 2019- 1 Barry.Spear@bww-law.com bankruptcy@bww-law.com
Bradley J. Swallow	on behalf of Defendant Main Street Bank bswallow@fblaw.com
Bradley J. Swallow	on behalf of Creditor MainStreet Bank bswallow@fblaw.com

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Carl A. Eason	on behalf of Creditor Lincoln Automotive Financial Services bankruptcy@wolriv.com
Christian K. Vogel	on behalf of Interested Party Primis Bank kvogel@vogelandcromwell.com
Christian K. Vogel	on behalf of Defendant Primis Bank f/k/a Sona Bank kvogel@vogelandcromwell.com
Christopher A. Jones	on behalf of Debtor Eagle Properties and Investments LLC cajones@whitefordlaw.com clano@whitefordlaw.com,dchaney@whitefordlaw.com
Christopher L. Rogan	on behalf of Defendant Shail Butani crogan@rmzlawfirm.com
Christopher L. Rogan	on behalf of Creditor Bala Jain LLC crogan@rmzlawfirm.com
Christopher L. Rogan	on behalf of Defendant Ishwer Butani crogan@rmzlawfirm.com
Christopher L. Rogan	on behalf of Defendant Bala Jain LLC crogan@rmzlawfirm.com
Corey Simpson Booker	on behalf of Creditor Atlantic Union Bank corey.booker@atlanticunionbank.com
Craig M. Palik	on behalf of Creditor Trinity Universal Insurance Company cpalik@mhlawyers.com cpalik@yahoo.com;dmoorehead@mhlawyers.com;cpalik@ecf.inforuptcy.com;kmadden@mhlawyers.com;mnickerson@mhlawye rs.com
David S. Musgrave	on behalf of Creditor Fulton Bank N.A. dmusgrave@gfrlaw.com, vhilbun@gfrlaw.com
David S. Musgrave	on behalf of Defendant Fulton Financial Corporation dmusgrave@gfrlaw.com vhilbun@gfrlaw.com
Dylan G. Trache	on behalf of Trustee H. Jason Gold dylan.trache@nelsonmullins.com linnea.hann@nelsonmullins.com;alexandria.tracy@nelsonmullins.com;mari.cooper@nelsonmullins.com
Elizabeth Husebo	on behalf of Defendant Daniel J. Kotz ehusebo@grsm.com
Elizabeth Husebo	on behalf of Defendant First Class Title Inc. ehusebo@grsm.com
Erik W. Fox	on behalf of Creditor Vienna Oaks Office Center Condominium efox@reesbroome.com rhurley@reesbroome.com;rchambers@reesbroome.com;pgoodwine@reesbroome.com
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Hannah White Hutman	on behalf of Creditor Bank of Clarke County hhutman@hooverpenrod.com scurtis@hooverpenrod.com;hooverpenrodplc@jubileebk.net
J. P. McGuire Boyd, Jr	on behalf of Defendant Atlantic Union Bank mboyd@williamsmullen.com
J. P. McGuire Boyd, Jr	on behalf of Creditor Atlantic Union Bank mboyd@williamsmullen.com
J. P. McGuire Boyd, Jr	on behalf of Defendant Bank of Clarke County mboyd@williamsmullen.com
Jack Frankel	on behalf of U.S. Trustee Gerard R. Vetter jack.i.frankel@usdoj.gov USTPRegion04.ax.ecf@usdoj.gov;paula.f.blades@usdoj.gov;robert.w.ours@usdoj.gov
James R. Meizanis, Jr.	on behalf of Creditor Virginia Partners Bank jmeizanis@bklawva.com jroot@bklawva.com;mnoble@bklawva.com
Jeffery T. Martin, Jr.	on behalf of Debtor Eagle Properties and Investments LLC jeff@martinlawgroupva.com martin.jefferyt.b119228@notify.bestcase.com;brittany@martinlawgroupva.com

District/off: 0422-9

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Jeffery T. Martin, Jr.

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martin.jefferyt.b119228@notify.bestcase.com;brittany@martinlawgroupva.com

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Nancy Greene

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TOTAL: 49